



Grafton Conservation Commission

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Minutes of the March 21, 2023 Meeting at 7:00 p.m.

A meeting of the Grafton Conservation Commission was held via Zoom on March 21, 2023. Present were: Chair Sandra Brock, Commissioners Jonathan Nickerson, Patrick Huegel and Travis Mast, Conservation Agent Leah Cameron and Conservation Assistant Jan Elyse Taylor.

Sandra Brock opened the public meeting at 7:02 p.m.

February 21, 2023 Meeting Minutes – Travis Mast made a motion to accept the meeting minutes as drafted. Patrick Huegel seconded the motion and it carried unanimously.

March 7, 2023 Meeting Minutes – This item was rescheduled to the April 4, 2023 meeting.

Minor Change Request – DEP #164-928 / WP #761 / SWP #16-6 & DEP #164-985 / WP #804 / SWP #20-1 - Winslow Point, Woodland Hill - 100 Westboro Road – The applicant requested a minor change to change the vehicular connection between the two projects to a pedestrian sidewalk resulting in decreased impervious surface. Patrick Huegel made a motion to approve the minor change to both projects. Travis Mast seconded the motion and it carried unanimously.

Request for a Certificate of Compliance – DEP #164-890 / WP# 723 / SWP# 15-2 – 114 Merriam Road – This item has been rescheduled to the April 4 meeting.

RDA – 168 Upton Street – drywell system – Susan Hunnewell of Onsite Engineering presented the project to the Commission. Sandra Brock disclosed that her company is currently working on a project with Onsite Engineering but it is not a contractual relationship. The applicant is proposing to install a drywell system that is required by Mass. DEP. The drywell will be installed outside of the 100' buffer zone, but piping will run to the existing well treatment house inside the buffer zone. The Agent reported the finding that this project is classified as limited project per 310 CMR 10.53(3)(d), and suggested the special conditions that erosion control shall be installed as shown on plans, loaming and seeding shall occur within seven days of final grading, any stockpiling shall occur outside the buffer zone and shall be surrounded by erosion control, and if dewatering is necessary a plan shall be submitted. The applicant found these conditions reasonable. Travis Mast made a motion to close the hearing and issue negative determination with finding and conditions mentioned above. Patrick Huegel seconded the motion and it passed unanimously.

NOI – 157 Pleasant Street – house addition & garage – The applicant is proposing to construct a garage within the outer riparian area of the Blackstone River and a house addition within the 100' buffer zone of a wetland. Existing no-disturb signage is placed along the tree

line. A waiver to work within the 25-no disturb area was requested to accommodate construction equipment. The applicant stated that the water line is going to be moving to the east of the garage and will revise the plan to show that. A DEP File number has not yet been assigned. Travis Mast made a motion to grant the waiver request to work within the 25' no-disturb area and was seconded by Patrick Huegel. The motion carried unanimously. The applicant requested a continuance. Patrick Huegel made a motion to continue the public hearing. The motion was seconded by Travis Mast and carried unanimously.

NOI-#164-1031/WP#846/SWP#22-1 -58 Follette St –Cellco Partnership/Verizon Wireless – cell tower/driveway – Jessica Bardi of Robinson & Cole, Jesse Moreno and Chris Lucas presented the project. All peer review comments have been satisfied. A waiver was requested for work within the 25' no-disturb zone to accommodate connectivity to the proposed wetland replication area. This project is eligible for a limited project status per 310 CMR 10.53(3)(e), but the status is not being sought since it fully meets the standards. Special Conditions proposed are:

- Prior to commencement of work, the applicant shall:
 - File a NOI under G.L. c.61A notifying all required parties of a proposed change in use
 - Complete the 61A process and pay any roll back taxes that are due or applicable
 - Convey the Conservation Restriction (as defined in General Laws) on the remainder of the parcel (excluding the cell tower area and access drive) to the Town, Grafton Land Trust, or other entity acceptable to the Town, the terms of which have been approved in advance by counsel for all parties
 - Investigate for vernal pools during the spring amphibian breeding season at WF #s A-63 - A-66, submit a written report to the Commission, and certify any pools found on site with NHESP
 - Submit funds for peer review inspections of the stormwater management installation and wetland replication
 - Secure a bond for erosion control, site stabilization, wetland replication and stormwater management. The applicant shall submit a bond estimate for the Commission's approval prior to the issuance of bond
- The O & M Plan provided in the Stormwater Report shall be implemented
- Wetland replication:
 - More plantings may be required to ensure 75% wetland species within two growing seasons
 - Preparation and planting of the replication area (RA) shall be completed in conjunction with, or as soon as is practicable (and not to exceed 30 days) following wetland alteration
 - Once wetland alteration begins, no other work shall begin until RA is established
 - Erosion control must be installed between existing wetland and RA prior to commencing replication. Disturbance is not permitted within the adjacent existing wetland.
 - Replication shall be supervised by a qualified wetland scientist hired by the Commission at the applicant's expense. RA shall be inspected by said scientist at the end of each growing season for a minimum of two growing seasons with written reports to the Commission
 - Once completed, the RA shall be protected by 25' No-Disturb (ND) zone

- During the monitoring period, invasives shall be eradicated from the RA & ND
- Any work occurring within the wetland resource areas shall occur during dry conditions.

Questions from the applicant about the wetland replication area were clarified by the Commission. Travis Mast abstained from voting as he was not a member of the Commission when this public hearing opened. Patrick Huegel made a motion to grant the waiver to work within the 25' no-disturb zone and was seconded Jonathan Nickerson. The motion passed 3-0. Jonathan Nickerson made a motion to issue the Order of Conditions with the finding and conditions above and was seconded Patrick Huegel. The motion passed 3-0.

NOI – #164-1037/WP#852/SWP#23-4 & #164-1036/WP#851/SWP#23-3 - 118.5 Old Westboro Road, Lot A & 118.5 Old Westboro Road, Lot B – DiVerdi Builders - single family houses – Scott Jordan from EcoTec presented the project to the Commission. The applicant is proposing to divide the lot into two parcels and construct a single-family house on each parcel. Lot A will consist of a house, driveway, well and stormwater infiltration basin within the buffer zone. Lot B will consist of a house, driveway, well, stormwater infiltration basin and removal of a shed within the buffer zone. The Agent stated that peer review comments have not yet been satisfied; Lot A proposed an infiltration basin, otherwise there is not much Low Impact Design (LID); the building inspector has concerns about the contiguous upland on Lot B, and a waiver has been requested from the contiguous upland requirement with the Conservation Commission. The Agent requested that a dewatering basin for excavation of the wells be added and the applicant agreed. The applicant, Rob DiVerdi Jr., stated that the project is in conjunction with 8 Morgan Drive, and the lots were designed to avoid a wetland crossing. Chair Sandra Brock asked if there are further ways to protect the wetlands, possibly through including more LID elements. The applicant requested a continuance to April 4, 2023. Travis Mast made a motion to continue the public hearing and was seconded by Patrick Huegel. The motion carried unanimously.

NOI – #164-1035/ WP#850/ SWP#23-2 - 8 Morgan Drive – DiVerdi Builders - driveway & stormwater basins – Scott Jordan from EcoTec presented the project to the Commission. A single-family house is proposed outside of the buffer zone, with the driveway and stormwater management basins within the buffer zone. Chair Sandra Brock asked if more LID elements could be added to the stormwater design for this project. The Agent stated that peer review comments have not yet been satisfied; and the building inspector stated the applicant's need to discuss with the Planning Dept. whether the subdivision's special permit allows for additional homes on Morgan Drive. The applicant requested a continuance to April 4, 2023. Travis Mast made a motion to continue the public hearing and was seconded by Patrick Huegel. The motion carried unanimously.

Requests for partial Certificates of Compliance – DEP #164-801 / WP# 639 & DEP #164-802 / WP# 640– 125 Ferry Street, Unit 24 – The applicant is seeking a partial release for one townhouse within the larger development. The Agent said that the unit is complete, and no requirements of the Order of Conditions pertained specifically to this unit. Travis Mast made a motion to issue the partial Certificate of Compliance and was seconded by Patrick Huegel. The motion carried unanimously.

Request for a Certificate of Compliance – DEP #164-811 / WP# 649 – 34 Bernard Road –

The Agent stated that a new original Order of Conditions needs to be reissued so that it can be recorded, and the Certificate of Compliance can be issued pending receipt of the recording information for the Order and confirmation that all erosion control has been removed. Travis Mast made a motion to reissue the Order of Conditions and was seconded by Patrick Huegel. The motion carried unanimously. Travis Mast made a motion to issue the Certificate of Compliance pending receipt of the recording information for the Order of Conditions. The motion was seconded by Patrick Huegel and carried unanimously.

Request for a Certificate of Compliance – DEP #164-830/ WP# 668 – 6 Magnolia Lane –

The Agent stated that the request was incomplete. The applicant needs to request a bylaw Certificate of Compliance, needs to clarify the as-built plan and confirm that no-disturb signage was installed. The request will be revisited on April 4, 2023.

14 Miscoe Brook Path Flooding – The Agent stated that the Stowe Road culvert is being replaced. Since the culvert work has started, the resident at 14 Miscoe Brook Path, Margaret Bilodeau, has experienced flooding on her property. Ms. Bilodeau spoke to the Town Engineer who believes the flooding is beaver related. The Agent stated she will reach out to the wetland scientist monitoring the culvert project for his opinion on the cause of flooding. Ms. Bilodeau stated there is a dam and beaver receiver on her property that she maintains and has never experienced this volume of water. She is having trouble accessing her property during rain events and is worried the dam may need to be replaced. The Chair recommended contacting the consultant to determine if the flow characteristics have changed.

Jonathan Nickerson made a motion, seconded by Travis Mast, to adjourn the meeting at 8:43 p.m. The motion carried unanimously.

Documents discussed & located in the Conservation Commission office:

RDA Package for 168 Upton Street
NOI Package for 157 Pleasant Street
NOI Package for 58 Follette Street
NOI Package for 118.5 Old Westboro Road, Lots A & B
NOI Package for 8 Morgan Drive
Minor Change Request for Winslow Point & Woodland Hill
Request for a Certificate of Compliance for 114 Merriam Road
Request for a partial Certificate of Compliance for 125 Ferry Street, Unit 24
Request for a Certificate of Compliance for 34 Bernard Road
Request for a Certificate of Compliance for 6 Magnolia Lane
February 21, 2023 Meeting Minutes
Report to Commissioners dated March 21, 2023

Minutes drafted by Jan Elyse Taylor
Approved on May 2, 2023